

**MEETING SUMMARY OF THE HENDERSON COUNTY  
BOARD OF ADJUSTMENT MEETINGS  
October 26, 2022  
November 21, 2022  
December 14, 2022**

The Henderson County Board of Adjustment held its regularly scheduled and special called meetings at 4:00 p.m. at the King Street Meeting Room and Board of Commissioners Meeting Room.

Board Members Present:

Steve Dozier (Acting Chair)  
Andrew Riddle  
Carlos Ruiz  
Mark Casoria  
Jim Hysong  
Bill Fishburne (alternate)

Staff Members Present:

Matt Champion  
Autumn Radcliff  
Russ Burrell

**Call to Order / Introduction of the Board:** Acting Chairman Dozier called the meetings to order at 4:00 pm.

**Review and Approve September 28, 2022, Meeting Summary:** Acting Chairman Dozier asked for approval of the September meeting summary. Carlos Ruiz motioned to approve the meeting summary. Mark Casoria seconded the motion. All members voted in favor.

**Public Hearing**

Acting Chairman Dozier motioned to go into a public hearing. All members had no disclosures or conflicts of interest to report with regards to the special use permit application on the agenda.

**SUP-22-07 Assisted Living Residence**

Matt Champion read the staff report for the application. The request is for a special use permit for an Assisted Living Residence at 4353 Fork Creek Rd. Craig Halford, applicant, and Derek Jones, applicant's attorney, represented this application. John Noor, attorney, represented the current property owner. Brian Gulden, attorney for the adjacent property owners against the application, represented Lucinda Hemenway at 145 Pace Gap Rd and Allison Hull at 123 Morgan Creek Ct. Kirk Hall and Hannah Hall represented themselves against the application and own property adjacent to the subject area. Louise Harvey and Charles Harvey at 370 Orchard Lake Rd attempted to be a party against the application, but the ZBA did not grant standing. Ten (10) members of the public spoke in opposition to the application and seven (7) members spoke in favor of the application.

Craig Halford was made party by being the applicant.

John Noor was made party by a motion from Carlos Ruiz. Jim Hysong seconded the motion. All voted in favor.

Lucinda Hemenway was made party by a motion from Carlos Ruiz. The motion was seconded by Mark Casoria. All voted in favor.

Allison Hull was made party by a motion from Mark Casoria. Jim Hysong seconded the motion. All voted in favor.

Kirk and Hannah Hall were made party by a motion from Jim Hysong. Andrew Riddle seconded the motion. All voted in favor.

Louise Harvey and Charles Harvey were not made party by a motion from Andrew Riddle. Mark Casoria seconded the motion. All voted in favor.

The applicant is proposing to convert the existing residential structure at 4353 Fork Creek Rd into an Assisted Living Facility operated by First Contact Addiction Ministries. The major site plan was prepared by David Hill. The major site plan shows no additional site improvements other than reconstruction of a former detached garage on an existing concrete slab. The TRC met on 9/6/2022 and forwarded the special use permit and major site plan to the ZBA with the following conditions: NCDOT driveway permit, existing systems permit, provide ADA parking spaces, and comply with NC Building Code regulations regarding the change of use and occupancy.

During the October 26, 2022, meeting, Attorney Brian Gulden and the Hall party presented evidence.

The October 26, 2022, meeting concluded at 9:59PM with Acting Chairman Dozier announcing the continuance of SUP-22-07 to November 21, 2022, at 4:00PM in the Board of Commissioners Meeting Room.

The Board reconvened on November 21, 2022, at 4:00PM in the Board of Commissioners Meeting Room.

During the November 21, 2022, meeting, Attorney Brian Gulden, Hall party, and the applicant's attorney presented evidence.

The meeting concluded at 10:00PM after a motion by Carlos Ruiz to continue until December 14, 2022, in the same location. Mark Casoria seconded the motion. All voted in favor.

The Board reconvened on December 14, 2022, at 4:00PM in the Board of Commissioners Meeting Room by motion from Acting Chairman Dozier.

During the December 14, 2022, meeting, the applicant's attorney presented evidence.

Acting Chairman Dozier motioned to close the public hearing.

After further Board discussion, Jim Hysong moved to deny SUP-22-07. No one seconded the motion. The motion failed.

Andrew Riddle moved to approve SUP-22-07 with conditions as discussed by the Board and outlined in the order. The conditions will include a list of violent crimes that participants at the facility cannot have a conviction of. Mark Casoria seconded the motion. The motion passed with a 4-1 vote with Jim Hysong voting against the motion.

**Adjournment:** The meeting was adjourned at 7:24PM upon motion by Acting Chairman Dozier.

---

Steve Dozier, Acting Chairman

---

Matt Champion, Zoning Administrator